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PATENT  
ATTORNEY DOCKET NO. 047255-5004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
David W. JOHNSON, et al.	)	Confirmation No.: 1511
	)	
Application No.: 10/698,424	)	Group Art Unit: 1638
	)	
Filed: November 3, 2003	)	Examiner: Keith Robinson
	)	
For: ALFALFA PLANTS HAVING	)	
IMPROVED STANDABILITY AND/OR	)	
FAST RECOVERY AFTER HARVEST	)	
AND METHODS FOR PRODUCING	)	
SAME	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**RESPONSE TO RESTRICTION**  
**REQUIREMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Response to Restriction Requirement under 37 U.S.C. § 121 in response to the Office Action dated December 1, 2004.

2. Additional papers enclosed:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Corrected Drawings: <input type="checkbox"/> Formal <input type="checkbox"/> Informal  |
| <input type="checkbox"/> | Form PTO-1449, _____ references included   |
| <input type="checkbox"/> | Citations  |
| <input type="checkbox"/> | Declaration of Biological Deposit  |
| <input type="checkbox"/> | Submission of "Sequence Listing", computer readable copy and/or amendment<br>pertaining thereto for biotechnology invention containing nucleotide and/or amino<br>acid sequence. |

04/08/2005 MBEYENE1 00000142 500310 10698424

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input checked="" type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: **\$795.00**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	9	minus	34	-0-	x \$50 each=	+ \$ -0-
Independent Claims (37 C.F.R. §1.16(b))	1	minus	12	-0-	x \$200 each=	+ \$ -0-
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$ -0-
SUB-TOTAL =						\$ -0-
Reduction by ½ for filing by a small entity						- \$ -0-
TOTAL FEE =						\$ -0-


6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge **\$795.00** to Deposit Account 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: April 6, 2005

By:   
Erich E. Veitenheimer  
Reg. No. 40,420

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